

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	
MELVIN D. GREEN	:	Chapter 13
	:	
Debtor	:	Case No. 19-14448-AMC
	:	

**STANDING CHAPTER 13 TRUSTEE’S MOTION FOR
ALTERNATIVE DISBURSEMENT**

Scott. F. Waterman, Esquire, Standing Chapter 13 Trustee, by and through his counsel, requests that the Court authorize disbursement of certain funds to creditors for the following reasons:

1. Debtor filed the above-captioned Chapter 13 case on July 15, 2019 and his plan was last modified on February 15, 2023.

2. The Debtor’s Modified Plan, [Attached to Motion to Modify Plan Docket 115, dated January 18, 2023] (“Plan”), sets forth the following order of distribution of payments:

- Level 1: Trustee’s Commissions
- Level 2: Domestic Support Obligations
- Level 3: Adequate Protection Payments
- Level 4: Debtor’s attorney’s fees
- Level 5: Priority claims, pro rata
- Level 6: Secured claims, pro rata
- Level 7: Specially classified unsecured claims
- Level 8: General unsecured claims
- Level 9: Untimely filed general unsecured non-priority claims to which debtor has not objected.

See Plan, Section 8: Order of Distribution.

3. The Debtor’s Plan provides that the Trustee set aside Debtor’s counsel fees totaling \$5,500.00, subject to counsel seeking approval of his fees in accordance with 11 U.S.C. §330 and Bankruptcy Rule 2016.

4. Debtor's counsel has only sought and the Court has only approved \$4,750.00 of his fees.

5. Debtor's counsel has failed to file any additional Supplemental Fee Applications seeking approval of the remainder of the fee, \$750.00 provided in the Plan in accordance with 11 U.S.C. §330.

6. The Trustee has been retaining funds for Debtor's counsel's fee which could be used to pay the remaining unpaid creditors.

7. The confirmed Plan only pays unsecured creditors on a *pro rata* basis.

8. Debtor has now completed all plan payments in accordance with the Modified Plan and Debtor's counsel's failure to file a Supplemental Fee Application may lead to a delay in concluding this case.

9. The Trustee emailed Debtor's counsel inquiring whether he will file a Supplemental Fee Application and his inquiry has gone unanswered.

10. Since Debtor's counsel has not filed any additional Supplemental Fee Application, the Chapter 13 Trustee requests this Court authorize the Trustee to disburse the funds being set aside to pay Debtor's counsel to be, instead, disbursed to the remaining unpaid creditors in accordance with the terms of the Plan.

WHEREFORE, Scott F. Waterman, Esquire, Chapter 13 Standing Trustee, respectfully requests that this Court enter an Order in the form annexed hereto, authorizing him to disburse the funds being held by his office to the remaining unpaid creditors in accordance with the terms of the Modified Plan.

Date: March 6, 2024

Respectfully submitted,

/s/ Ann E. Swartz

Ann E. Swartz, Esq.

for

Scott F. Waterman, Esquire
Standing Chapter 13 Trustee